

REMARKS

Reconsideration of the above-identified application is respectfully requested.

The correction to page 6 has been made.

The requirement to add "and" is not based on any stated informality. The Examiner is advised that it may be more palatable to make suggestions rather than attempting to dictate changes. Under 35 USC 112, a specification concludes with claims setting forth that which "the applicant" (not the Examiner) considers his invention. Even in the face of actual objections or rejections, it is the applicant who chooses the words. An Examiner may make suggestions, which are appreciated, but that is all.

Claims 1 and 13 were rejected as indefinite. Gain is an inherent characteristic of an amplifier. Thus, gain has antecedent; MPEP 2173.05(e).

Claims 1 and 13 are amended to clarify the relationships of the recited elements. No change in the scope of the recitation of the elements is intended. Slope is mentioned in the original specification at page 5, line 8.

Claims 1, 2, and 13 were rejected as anticipated by Dallavalle et al. In the Dallavalle et al. patent, up-down counter 7 is coupled to an adder 9. (1) The claimed adder is coupled to a register. The adder is not coupled to the amplifier, as disclosed in the Dallavalle et al. patent. (2) The up-down function is obtained from the adder, not the counter, as disclosed in the Dallavalle et al. patent. (3) The system described in the Dallavalle et al. patent can only increment or decrement. In the claimed invention, the step size, the slope of the change, is programmable. (4) The Dallavalle et al. patent describes a digital automatic gain control (AGC) not a mute circuit. An AGC attempts to maintain a fixed amplitude, which is antithetical to a mute circuit.

Claims 3, 4, and 14 were rejected as unpatentable over Dallavalle et al. in view of Flora. The Flora patent overcomes none of the deficiencies of the Dallavalle et al.

patent, as noted above. The basis for combination must come from the patents themselves, not an after the fact rationalization.

Claims 14 and 15 were rejected as unpatentable over Dallavalle et al. in view of Moore. The Moore patent overcomes none of the deficiencies of the Dallavalle et al. patent, as noted above. The basis for combination must come from the patents themselves, not an after the fact rationalization.

In view of the foregoing amendment and remarks, it is respectfully submitted that claims 1-4 and 13-15 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,



Paul F. Wille

Reg. No. 25,274

Attorney for Applicants

6407 East Clinton Street
Scottsdale, AZ 85254
tel.: 602 549-9088
fax.: 480 778-0304